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IN LAKE CHARLES, LA

MAR 17 2006

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WESTERN DISTRICT OF LOUISIANA

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

BECKY MCQUERRY FOX AND  
CHAD FOX

VERSUS

DR. JOHN KUSALAVAGE

§  
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§  
§  
§

CIVIL ACTION NO. 02-CV-00676 LC

JUDGE PATRICIA A. MINALDI

MAGISTRATE JUDGE WILSON

**JUDGMENT**

This proceeding came on for a jury trial from February 6, 2006 through February 8, 2006,  
pursuant to previous assignment.

Present at the trial were:

**WILLIAM J. CRAIN and LELAND R. GALLASPY**, attorneys for plaintiff,  
Becky McQuerry; and

**JOHN E. BERGSTEDT**, attorney for defendants, John Kusalavage, M.D. and  
Louisiana Medical Mutual Insurance Company;

Considering that the jury returned its verdict in favor of the plaintiff, Becky McQuerry, in  
the following amounts:

1.	Past Medical Expenses .....	\$15,536.59
2.	Past and Future Mental Pain and Suffering .....	\$83,333.00
3.	Permanent Disability .....	\$0.00
4.	Past Physical Pain and Suffering .....	\$ 83,333.00
5.	Past and Future Loss of Enjoyment of Life .....	\$ 83,334.00
	<b>TOTAL .....</b>	<b>\$265,536.59</b>

And further considering that the jury determined that the plaintiff, Becky McQuerry, is in need of future medical care and related benefits in accordance with La. R.S. 40:1299.43;

And further considering the stipulation of counsel in the record that the defendant, John Kusalavage, M.D., was a qualified health care provider at all relevant times within the meaning of La. R.S. 40:1299.41, et seq.

And further considering the stipulation of counsel in the record that the Louisiana Medical Mutual Insurance Company provided professional liability insurance coverage at all relevant times for the acts of negligence of the defendant, John Kusalavage, M.D., in the amount of \$100,000.00 plus legal interest.

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that there be judgment herein in favor of plaintiff, Becky McQuerry, and against John Kusalavage, M.D. and Louisiana Medical Mutual Insurance Company, *in solido*, in the amount of \$100,000.00 plus legal interest at the rate established by Louisiana Civil Code article 2924 from March 7, 2002 until paid in accordance with La. R.S. 40:1299.47.M.

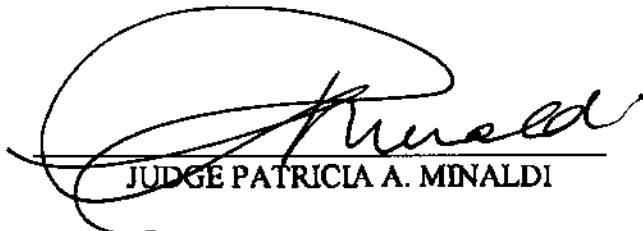
**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that there be judgment herein in favor of plaintiff, Becky McQuerry, and against the Louisiana Patient's Compensation Fund Oversight Board in the amount of \$165,536.59 plus legal interest at the rate established by Louisiana Civil Code article 2924 from March 7, 2002 until paid in accordance with La. R.S. 40:1299.47.M.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that there be judgment herein in favor of plaintiff, Becky McQuerry, and against the Louisiana Patient's Compensation

Fund Oversight Board for the payment of future medical care and benefits pursuant to La. R.S. 40:1299.43.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED**, that there be Judgment herein in favor of Becky McQuerry Fox and against the Louisiana Patient's Compensation Fund for all taxable costs, plus legal interest from the date the claim was filed until paid.

JUDGMENT RENDERED AND SIGNED this 13 day of February, 2006 in Lake Charles, Louisiana.

  
JUDGE PATRICIA A. MINALDI

Respectfully Submitted,

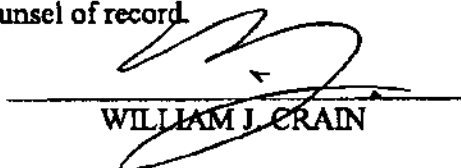
JONES FUSSELL, L.L.P.

BY: 

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#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing pleading has been mailed, postage prepaid, this 13 day of February, 2006, to all counsel of record.

  
WILLIAM J. CRAIN